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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,431	06/27/2001	Loc Nguyen	10003.001410(digeo 109.2)	6025

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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/894,431	Applicant(s) NGUYEN ET AL.	
	Examiner Andrew Y. Koenig	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 28, 29, 37-39, 42-50 and 56-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 28, 29, 37-39, 42-50 and 56-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,28,29,37-39,42-50 and 56-59 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 5,410,326 to Goldstein and U.S. Patent 6,757,913 to Knox.

Regarding claim 1, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed portable communication device), which receives information from the base station. Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing

notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy and Goldstein are silent on a portable communication device independent of the interactive television system to generate stereo audio and allow a third party to communicate with a user. In analogous art, Knox teaches a receiver/tuner module that outputs stereo audio (col. 9, ll. 22-5), wherein the audio can initially be transmitted via a cable, satellite, internet, microwave, etc. (col. 5, ll. 1-3), which is independent of the interactive television system and allows a third party to communicate with the user, and recognizes that persons skilled in the art will appreciate such control function are similar to the control functions provided by other wireless remote controls for consumer products (col. 7, ll. 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by a portable communication device independent of the interactive television system to generate stereo audio and allow a third party to communicate with a user as taught by Knox in order to provide additional data to the personal navigator of Croy, thereby enhancing the user's experience with the device.

4. Claims 28, 29, 49, 50, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 5,410,326 to Goldstein, U.S. Patent 6,081,830 to Schindler, and U.S. Patent 6,757,913 to Knox.

Regarding claims 28 and 29, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. The personal navigator of Croy has a memory (fig. 2, label 222), which is a machine readable memory for storing instructions. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy and Goldstein are silent on a portable stereo device to generate stereo audio. In analogous art, Knox teaches a receiver/tuner module that outputs stereo audio (col. 9, ll. 22-5), wherein the audio can initially be transmitted via a cable, satellite, internet, microwave, etc. (col. 5, ll. 1-3), and recognizes that persons skilled in the art will appreciate such control function are similar to the control functions provided by other wireless remote controls for consumer products (col. 7, ll. 45-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by generating stereo audio as taught by Knox in order to provide additional data to the personal navigator of Croy, thereby enhancing the user's experience with the device.

Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Regarding claim 49, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. Croy teaches that information being electronic mail (col. 9, ll. 19-

30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Croy teaches that the personal navigator having stereo control (col. 3, ll. 6-10) and has a speaker (col. 5, ll. 32-34), however, Croy is silent on generating stereo audio. In analogous art, Knox teaches a receiver/tuner module that outputs stereo audio (col. 9, ll. 22-5), wherein the audio can initially be transmitted via a cable, satellite, internet, microwave, etc. (col. 5, ll. 1-3), and recognizes that persons skilled in the art will appreciate such control function are similar to the control functions provided by other wireless remote controls for consumer products (col. 7, ll. 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by generating stereo audio as taught by Knox in order to provide additional data to the personal navigator of Croy, thereby enhancing the user's experience with the device.

Regarding claim 50, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 56, Croy and Knox teach LCD displays and are silent on a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

5. Claims 37-39, 42, 43, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 6,757,913 to Know in view of U.S. Patent 6,081,830 to Schindler.

Regarding claim 37, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. The personal navigator of Croy has a memory (fig. 2, label 222), which is a machine readable memory for storing instructions. Croy teaches the personal navigator displaying a

message immediately (col. 13, ll. 44-47), which reads on a receiver capable to receive the alert signal of the received message, and providing notification to a user in response to the alert signal in that Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message. However, Croy is silent on the message being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Further, Croy teaches that the personal navigator having stereo control (col. 3, ll. 6-10) and has a speaker (col. 5, ll. 32-34), however, Croy is silent on generating stereo audio. In analogous art, Knox teaches a receiver/tuner module that outputs stereo audio (col. 9, ll. 22-5), wherein the audio can initially be transmitted via a cable, satellite, internet, microwave, etc. (col. 5, ll. 1-3), and recognizes that persons skilled in the art will appreciate such control function are similar to the control functions provided by other wireless remote controls for consumer products (col. 7, ll. 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by generating stereo audio as taught by Knox in order to provide additional data to the personal navigator of Croy, thereby enhancing the user's experience with the device.

Regarding claim 38, Croy teaches that information being electronic mail (col. 9, ll. 19-30).

Regarding claim 39, Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy and Knox are silent on the message including an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and August by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Regarding claim 42, Croy and Knox teach LCD displays and are silent on a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 43, Croy and Knox teach LCD displays which displays messages in a specifically designated manner but are silent on a LED to provide the light signal. Official Notice is taken that the use of a light signal with an LED is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a LED to provide the light

signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 46, Croy teaches a television (140) connected to the customer premise equipment (fig. 1), wherein a television is functionally capable of displaying the received message.

Regarding claim 47, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 48, Croy and Knox teach a digital radio receiver, which is incapable of displaying the message.

6. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy), U.S. Patent 6,081,830 to Schindler, and U.S. Patent 6,757,913 to Knox in view of U.S. Patent 6,313,887 to Gudorf.

Regarding claim 44, the combination of Croy, Schindler, and Knox teach speakers, but is silent on a sound signal. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 45, the combination of Croy and August teaches receiving the ringing signal (August: col. 2-3, ll. 64-2), but is silent on a vibration. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

7. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy), U.S. Patent 5,410,326 to Goldstein and U.S. Patent 6,757,913 to Knox in view of U.S. Patent 6,313,887 to Gudorf.

Regarding claim 57, the combination of Croy and Knox teaches speakers, but is silent on a sound signal. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 58, the combination of Croy and Knox teaches speakers, but is silent on a vibration. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

8. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 6,757,913 to Knox.

Regarding claim 59, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification receiving the alert signal indicative of the received message and providing notification to a user in response to the alert signal. Further, Croy teaches that the personal navigator having stereo control (col. 3, ll. 6-10) and has a speaker (col. 5, ll. 32-34), however, Croy is silent on generating stereo audio. In analogous art, Knox teaches a receiver/tuner module that outputs stereo audio (col. 9, ll. 22-5), wherein the audio can initially be transmitted via a cable, satellite, internet, microwave, etc. (col. 5, ll. 1-3), and recognizes that persons skilled in the art will appreciate such control function are similar to the control functions provided by other wireless remote controls for consumer products (col. 7, ll. 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by generating stereo audio as taught by Knox in order to provide additional data to the personal navigator of Croy, thereby enhancing the user's experience with the device.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ayk



Andrew Y Kovach
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